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RUEHDBU/AMEMBASSY DUSHANBE 0762
RUEHIL/AMEMBASSY ISLAMABAD 4463
RUEHBUL/AMEMBASSY KABUL 2754
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SIPDIS

DEPT FOR INL ANDREW BUHLER
DEPT OF JUSTICE FOR OPDAT CATHERINE NEWCOMBE

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SUBJECT: UZBEKISTAN: PRESIDENTIAL RESOLUTION ESTABLISHES
JUDICIAL RESEARCH CENTER

11. (U) Summary: On June 23 President Karimov issued the latest in a series of decrees on legal reform initiatives, this one establishing a research center in the Supreme Court and promoting the "independence of the judicial system." The resolution envisions the new judicial research center will lead to "further liberalization and improvement in the justice system" and also calls for "widening cooperation" with international and foreign organizations. The lofty goals of the resolution look great on paper, but the real significance is that the resolution sends another message at home and abroad that Uzbekistan is open to legal reform. We will look for opportunities to help realize the goals stated in the resolution and expect that it will boost our chances of conducting meaningful rule of law programs. End summary.

Watershed Moments Keep Coming

12. (U) On June 23 President Karimov issued his latest blockbuster resolution on legal reform, this one entitled "On Establishing the Research Center for Democratization and Liberalization of Judicial Legislation and Providing for the Independence of the Judicial System." The document begins by recounting related milestones in 2008, including the habeas corpus law, abolition of the death penalty, and a decree on reforming the Uzbek Bar Association. (Note: Uzbekistan has been very legislatively active this year, and other notable developments included the passage of the country's first comprehensive anti-trafficking in persons law, adoption of two ILO Conventions, ratification of the UN TIP Protocol, and a decree highlighting the 60th anniversary of the International Declaration of Human Rights. End note.)

Goals of the New Research Center

13. (U) The government press release explains that establishing a research center "is a continuation of the deep democratic reforms in the judicial system in Uzbekistan," and is aimed at enhancing "the authority of the court, its independence, the effectiveness of the court's activity on

providing for the rule of law, and ensuring the reliable protection of human rights and interests." The research center will be a functional body within the Supreme Court and will be directly accountable to Chairman of the Supreme Court Buritosh Mustafaev. (Note: Curiously, there already is a Research Consultative Board within the Supreme Court and it is unclear whether the mandates of the two entities overlap. Nearly two months have elapsed since the resolution but thus far there is no activity to report. End note.)

Auspicious Sign for NGOs?

¶4. (U) Karimov's resolution also tasks the new judicial research center with "elaborating and carrying out programs on thorough study and implementation of the universal principles and norms of international judicial law in to the national legislation" as well as "widening cooperation with international and foreign organizations in the sphere of justice." The resolution further adds that this will "allow benchmarking of the best practices of developed countries." This language appears to open the door for greater NGO involvement in legal reform issues, which is consistent with hints government officials have made throughout the year.

Comment:

¶5. (U) The language of this Presidential Resolution is vague but certainly welcome, and it builds on the recent signals to

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domestic stakeholders and international observers alike that Karimov is serious about stepping up the pace of legal reforms. We believe he wants to strengthen legal institutions as a legacy, and such reforms represent low-hanging fruit on human rights progress and do not pose risks of destabilization. We are testing this message by attempting to secure permission for the American Bar Association - Rule of Law Initiative to resume work in Uzbekistan, which should help us determine whether these decrees and resolutions are really substantive or just talk.

BUTCHER